

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE**

JESSICA JONES, *et al.*,

Plaintiffs,

v.

BAIN CAPITAL PRIVATE EQUITY, *et al.*,

Defendants.

Case No. 2:20-cv-02892

FUSION ELITE ALL STARS, *et al.*,

Plaintiffs,

v.

VARSITY BRANDS, LLC, *et al.*,

Defendants.

Case No. 2:20-cv-02600

**DECLARATION OF STEVE KAISER IN SUPPORT OF VARSITY DEFENDANTS'
RESPONSE TO MOTION TO COMPEL**

I, Steven J. Kaiser, declare as follows:

1. Plaintiffs are taking the depositions of numerous individuals who had direct involvement in the matters that they have brought into issue in these cases, including the current and past leadership of Varsity Spirit.
2. Many of these depositions have extended late into the evening or over two days.
3. Plaintiffs in this and the related cases took no depositions until November 16, 2021. Plaintiffs took 2 depositions in November 2021.
4. In December 2021, Plaintiffs took one deposition.
5. In January 2022, Plaintiffs took one deposition.

6. In February 2022, Plaintiffs took two depositions.
7. Plaintiffs noticed approximately 27 depositions to take place between March 1 and April 18, 2022.
8. Plaintiffs jointly issued a 105-topic 30(b)(6) notice, which they expanded to 120 topics, including a topic listed as "Anything mentioned in any complaint or discovery request directed to any Defendant in the *American Spirit* action." Plaintiffs have since retracted some topics, but more than 70 remain, including the topic asking for testimony on "anything mentioned in any complaint or discovery request."
9. The *Jones* Plaintiffs have requested twenty depositions of Bain and Charlesbank employees.
10. The *Jones* Plaintiffs issued separate 30(b)(6) notices with 33 topics each to Bain and Charlesbank.
11. In March, the *Fusion Elite* and *Jones* Plaintiffs each issued numerous additional interrogatories to all of the organizational Defendants in those cases. They likewise issued almost two hundred requests for admission to Varsity, 94 in *Fusion Elite* and 85 in *Jones*.
12. The *Jones* Plaintiffs have taken, on their own notice, at least 15 depositions to date.
13. The *Fusion Elite* Plaintiffs have never indicated any interest in Mr. Blumenfeld as a document custodian or as a deponent.
14. Plaintiffs have taken or are scheduled to take (or indicated they intend to take) the depositions of approximately 26 current and former employees of Varsity who actually worked in the cheerleading business.
15. Plaintiffs subjected former Varsity employee, Jim Hill, to more than eight hours of deposition questioning on March 21, 2022 and did not ask him a single question about why he was terminated from Varsity.
16. Varsity has produced massive quantities of emails and other discovery about all of the cheerleading acquisitions from the individuals who actually worked on the acquisitions.
17. I declare under penalty of perjury that the foregoing is true and correct. Executed on March 25, 2022.



Steven J. Kaiser